

**REMARKS**

This paper is submitted in response to the Office Action mailed on October 4, 2005. Claims 1, 2 and 3 have been amended and claim 13 has been added. Claims 1-3 and 13 remain in the application. In view of the foregoing amendments, as well as the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

The application was originally filed with 12 claims and was subject to a restriction requirement. In response to the restriction requirement, Group I, identified by the Examiner as being represented by claims 1-3, has been elected. The non-elected claims 4-12 have been cancelled herein without prejudice to the filing of one or more divisional applications.

The Examiner objected to the disclosure for various informalities. In particular, the Examiner objected to the use of "headliner support" throughout the disclosure as being misleading and misdescriptive in that "such feature is merely the 'headliner' and not some sort of support therefore." Applicant respectfully disagrees. Claim 1, which is supported by and representative of the disclosure, indicates that the headliner of the invention comprises a headliner support and a foam countermeasure. The headliner support gives the headliner a structural aspect, defining a lower surface, an upper surface and side edges. The headliner support also provides a structural element that in essence incorporates the foam countermeasure into the overall headliner structure, i.e., the headliner support ties the countermeasure to the overall headliner.

Nevertheless, Applicant has amended the disclosure to use the word "substrate" in place of "headliner support," which connotes a more structural aspect of the headliner itself. Such an amendment is supported by the specification in paragraph [0017] which states "the headliner support 14 may include a substrate made of fiberglass..." Applicant submits that such an amendment further overcomes any potential objection of the Examiner. Because the phrase "headliner support" appears consistently throughout the disclosure, Applicant has submitted a substitute specification, including the abstract, pursuant to 37 C.F.R. § 1.125. Applicant therefore requests that the objection to the disclosure be withdrawn.

The Examiner has also objected to the claims for the informality of using the phrase "headliner support." Claim 1 has been amended so as to recite a substrate in place of a headliner support in accordance with the above amendments to the specification. Moreover, the Examiner has objected to claim 3 alleging that the last two lines of claim 3 were awkwardly phrased and unclear. Claim 3 has been amended to address the Examiner's concern. Accordingly, Applicant respectfully requests that the objections to the claims be withdrawn.

Claims 1-3 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2005/0168015 to Davey et al. ("Davey"). The Examiner asserts:

Davey et al. disclose the claimed invention including headliner "support" 10a, and a foam countermeasure 50 with the portions extending longitudinally of the vehicle being considered to be "rails" and the portions extending laterally of the vehicle being considered to be "cross members" as broadly recited. The open space outlined by the rails and cross

members is considered to be an "aperture" as broadly as recited which is capable of receiving a headliner component therethrough.

(Office Action, p. 4).

Davey is directed to headliners (10a-10f) having a left side (11), a right side (13), a front end (15) and a rear end (17). The headliners (10a-10f) may further include recesses (12) for interior components, such as visors, garment hooks, grab-handles, etc. The headliners (10a-10f) include an exterior surface (25) that conforms to an A surface having a plurality of integrally-molded energy distribution zones (50, 100). The zones (50, 100) generally have a sinusoidal cross section with peaks (54) and valleys (56). The zones (50, 100) may be configured in patches or in strips extending the length of the headliners (10a-10f). The headliners (10a-10f) include a core (175) that is integrally molded with the distribution zones (50, 100) as a unitary structure. Davey discloses forming the headliners (10a-10f) in a single processing step by foaming a single material within a mold. The single material, a urethane material, then forms both the core (175) and the distribution zones (50, 100).

Claim 1 has been amended to recite that the substrate is "made of a first material having a first hardness" and the foam countermeasure is "made of a second material having a second hardness less than the first hardness." Davey does not teach or suggest that the substrate and foam countermeasures be made of different materials and have different hardness. Instead, Davey teaches integrally forming the distribution zones with the core in a molding process using a single material, such as a urethane material.

There are very good reasons for not forming the substrate and foam countermeasures from the same material. As discussed in the application, using a single material necessitates that the material satisfy both the structural aspects of the headliner while also accommodating the impact characteristics of the countermeasure. In other words, the substrate is made of a relatively rigid material that is self-supporting and capable of withstanding the structural requirements of the headliner. On the other hand, to provide an energy absorption capacity, the countermeasure is made of a material that is relatively soft so that it may compress or flex in the event that a vehicle occupant contacts the headliner. Reconciling the function of each of these structural elements using a single material is problematic. Moreover, such single component headliners often have other problems, such as poor acoustic properties, that make such headliners undesirable. The invention addresses these shortcomings of the headliners such as those disclosed by Davey.

For these reasons, Applicant submits that Davey does not teach or suggest the combination of elements recited in amended independent claim 1 and the rejection should be withdrawn. Additionally, as claims 2, 3 and 13 depend from allowable independent claim 1, these claims are allowable as well.

### **Conclusion**

In view of the foregoing response, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the

Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicant does not believe that any fees are due in connection with this response. However, if such petition is due or any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

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